

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

ANDRES MEJIA,
CHRISTINA KIM PHILIBOTTE, and
NATIONAL EDUCATION ASSOCIATION-NEW
HAMPSHIRE,

Plaintiffs,

v.

FRANK EDELBLUT, in his official capacity only as the
Commissioner of the New Hampshire Department of
Education,

JOHN M. FORMELLA, in his official capacity only as the
Attorney General of the State of New Hampshire,

AHNI MALACHI, in her official capacity only as the Executive
Director of the New Hampshire Commission for Human Rights,

CHRISTIAN KIM, in his official capacity
only as the Chair of the New Hampshire Commission for
Human Rights,

KEN MERRIFIELD, in his official capacity only as the
Commissioner of the Department of Labor,

Defendants.

Civil No. 1:21-cv-01077-PB
[Second-Filed Action]

**PLAINTIFFS' ASSENTED-TO MOTION TO RESCHEDULE THE FEBRUARY 28, 2022
HEARING/STATUS CONFERENCE ON CONSOLIDATION**

Plaintiffs in the above-captioned Second-Filed Action hereby request that the February 28, 2022 hearing/status conference on consolidation be rescheduled to either March 8 (excluding 2-3:30 p.m. due to another federal court hearing involving the undersigned ACLU-NH counsel) or March 9, or at the Court's earliest possible convenience thereafter.

Plaintiffs make this request because next week is school vacation week in which ACLU-NH counsel will be out of the country. Furthermore, counsel for Plaintiffs in the First-Filed Action (1:21-cv-01063-JL) are also away next week in the event they are permitted to participate in the hearing/conference given that the consolidation request was jointly made.

Defendants assent to the relief requested in this Motion.

WHEREFORE, the above-captioned Plaintiffs in the Second-Filed Action respectfully request that this Court:

- A. Reschedule the February 28, 2022 hearing/status conference on consolidation to either March 8 (excluding 2-3:30 due to another court hearing involving the undersigned counsel) or March 9, or at the Court's earliest possible convenience thereafter; and
- C. Award such other relief as the Court deems just and equitable.

ANDRES MEJIA AND CHRISTINA KIM PHILIBOTTE,

By and through their attorneys,

/s/ Gilles R. Bissonnette

Gilles R. Bissonnette (N.H. Bar. No. 265393)
Henry R. Klementowicz (N.H. Bar No.
21177)

SangYeob Kim (N.H. Bar No. 266657)
AMERICAN CIVIL LIBERTIES UNION OF NEW
HAMPSHIRE
18 Low Avenue, Concord, NH 03301
Tel. 603.224.5591
gilles@aclu-nh.org
henry@aclu-nh.org
sangyeob@aclu-nh.org

Chris Erchull (N.H. Bar No. 266733)
GLBTQ LEGAL ADVOCATES & DEFENDERS
18 Tremont, Suite 950
Boston, MA 02108
Tel.: 617.426.1350
cerchull@glad.org

Sarah J. Jancarik (N.H. Bar No. 272310)
DISABILITY RIGHTS CENTER-NEW HAMPSHIRE
64 N Main St, Ste 2
Concord, NH 03301-4913
Tel.: 603.228.0432
Sarahj@drnch.org

William E. Christie (N.H. Bar No. 11255)
S. Amy Spencer (N.H. Bar No. 266617)
SHAHEEN & GORDON, P.A.
107 Storrs Street
P.O. Box 2703
Concord, NH 03302
Tel.: 603.225.7262
wchristie@shaheengordon.com
saspencer@shaheengordon.com

/s/ David A. Vicinanzo

David A. Vicinanzo (N.H. Bar No. 9403)
NIXON PEABODY LLP
900 Elm Street, 14th Floor
Manchester, NH 03101
Tel.: 603.628.4000
dvicinanzo@nixonpeabody.com

Travis Hill*
NIXON PEABODY LLP
55 West 46th Street
New York, NY 10036-4120
Tel.: 212.940.3131
thill@nixonpeabody.com

Morgan C. Nighan (N.H. Bar No. 21196)
NIXON PEABODY LLP
Exchange Place
53 State Street
Boston, MA 02109-2835
Tel.: 617.345.1031
mnighan@nixonpeabody.com

Emerson Sykes*
Speech, Privacy, and Technology Project
Leah Watson*
Sarah Hinger*
Racial Justice Program
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
Tel.: 212.549.2500
esykes@aclu.org
lwatson@aclu.org
shinger@aclu.org

NATIONAL EDUCATION ASSOCIATION-
NEW HAMPSHIRE,

By and through its attorneys,

/s/ Esther K. Dickinson

Esther K. Dickinson (N.H. Bar No. 20764)

Lauren Snow Chadwick (N.H. Bar No. 20288)

Staff Attorneys

NATIONAL EDUCATION ASSOCIATION-

NEW HAMPSHIRE

9 South Spring Street

Concord, NH 03301-2425

Tel.: 603.224.7751

edickinson@nhnea.org

lchadwick@nhnea.org

Nathan R. Fennessy (N.H. Bar No. 264672)

Rue K. Toland (N.H. Bar No. 269021)

PRETI FLAHERTY BELIVEAU & PACHIOS LLP

57 North Main Street

Concord, NH 03301

Tel.: 603.410.1500

nfennessy@preti.com

rtoland@preti.com

Alice O'Brien*

Jason Walta*

NATIONAL EDUCATION ASSOCIATION

1201 Sixteenth St. NW

Washington, DC 20036

Tel: 202.822.7035

aobrien@nea.org

jwalta@nea.org

*Certifications for admission *pro hac vice*.

February 25, 2022